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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,061	09/26/2003	Jennifer Chamblee	020375-038600US	1241
20350	7590	06/28/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			MILLER, JONATHAN R	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/673,061	<b>Applicant(s)</b> CHAMBLEE ET AL.	
	<b>Examiner</b> Jonathan R. Miller	<b>Art Unit</b> 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

*JD*

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group I in the reply filed on 5/10/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 9-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 5/10/06.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 – 8 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 5 have the phrase “may take different processing paths” that renders the claims indefinite.

5. Claim 14 recites the limitation "the tray ticket" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 – 8 and 13 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Pintsov et al. The reference discloses a plurality of trays (21) that are each adapted to hold a plurality of mail items, wherein the mail items in a tray are directed to a common recipient (e.g. a particular post office; col. 4, lines 60+); a plurality of mail processing machines that are adapted to process the mail items (col. 4, lines 32+), wherein different mail items may take different processing paths through the plurality of mail processing machines; and a tray tag generator that is configured to produce tray tags (col. 3, lines 31+), wherein each of the plurality of trays is associated with a tray tag (28), wherein each tray tag includes recipient information identifying processing requirements relating to the recipient of the mail items in the tray associated with the tray tag (col. 3, lines 32+; col. 4, lines 31+).

8. With regards to claim 2, the reference further discloses readers configured to read information from the tray tags (col. 5, lines 5+).

9. With regards to claim 3, the reference further discloses the readers comprise bar code readers (col. 2, lines 51+).

10. With regards to claim 4, the reference further discloses the readers comprise emissive tag readers (col. 2, lines 51+).

11. With regards to claim 5, the reference further discloses a plurality of trays (21) that are each adapted to hold a plurality of mail items, wherein the mail items in a tray are directed to a common recipient (e.g. a particular post office; col. 4, lines 60+); a plurality of mail processing machines that are adapted to process the mail items, wherein different mail items may take different processing paths through the plurality of mail processing machines; a plurality of tray

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tags (28), wherein each tray is associated with a tray tag that includes recipient information identifying processing requirements relating to the recipient of the mail items in the tray associated with the tray tag (col. 3, lines 32+; col. 4, lines 31+); and a process management system that is configured to receive processing status information relating to the trays and output the information upon request (col. 4, lines 58+; col. 5, lines 12+).

12. With regards to claim 6, the reference further discloses at least one reader configured to obtain the process status information by reading information from tray tags (col. 5, lines 5+).

13. With regards to claim 7, the reference further discloses the reader comprises a bar code reader (col. 2, lines 51+).

14. With regards to claim 8, the reference further discloses the tray tag comprises an emissive tag, and wherein the reader comprises an emissive tag reader (col. 2, lines 51+).

15. With regards to claim 13, the reference further discloses receiving a mail drop comprising a plurality of trays (21) of mail items (col. 4, lines 58+), wherein each tray contains mail items for a common recipient; associating each tray with a tray tag (28), wherein each tray tag includes recipient information identifying processing requirements relating to the recipient; segmenting the mail into a plurality of process segments depending upon certain characteristics of the mail items; processing each of the plurality of process segments through different processes such that each process segment has a status with respect to its process (col. 4, lines 64+); using the tray tag to periodically update at least one process segment's status information in a process management system, wherein the at least one process segment is from a particular tray; and using the status information of the at least one process segment to manage the processing of a different process segment from the particular tray (col. 5, lines 1+).

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16. With regards to claim 14, the reference further discloses the tray tag includes a bar code for scanning the recipient information from the tray ticket (col. 2, lines 51+).

17. With regards to claim 15, the reference further discloses each mail item includes a remittance to the recipient (col. 1, lines 59+).

18. With regards to claim 16, the reference further discloses the mail is processed by a processor for the recipient according to particular processing standards, and wherein the processor receives compensation from the recipient based on the processor's performance with respect to the standard, and wherein the tray tags include information that identifies the processing standards for the recipient relating to the tray (col. 5, lines 30+).

19. With regards to claim 17, the reference further discloses the process management system comprises a computing device and software that programs the computing device to: receive information relating to the status of a specific process segment from a tray; and display information relating to the status of the specific process segment from the tray in response to a request from a user (col. 5, lines 30+).

20. With regards to claim 18, the reference further discloses receiving a mail drop comprising a plurality of trays of mail items (col. 4, lines 61+); associating each tray (21) with a tray tag (28) that includes recipient information identifying processing requirements relating to a recipient of the mail items in the tray associated with the tray tag (col. 3, lines 32+; col. 4, lines 31+); processing the mail items through a plurality of processing steps (col. 5, lines 1+); and periodically using the tray tags to update the status of trays with respect to the processing steps in a processing management system (col. 5, lines 40+).

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21. With regards to claim 19, the reference further discloses the step of periodically using the tray tags to update the status of trays with respect to the processing steps in a processing management system comprises reading information from the tray tags using a bar code reader (col. 5, lines 40+; col. 2, lines 51+).

22. With regards to claim 20, the reference further discloses the step of periodically using the tray tags to update the status of trays with respect to the processing steps in a processing management system comprises reading information from the tray tags using an emissive tag reader (col. 5, lines 40+; col. 2, lines 51+).

### *Conclusion*

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (571) 272-6940. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy A. Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jrm

A handwritten signature in black ink that reads "Kathy Matecki". The signature is fluid and cursive, with a small horizontal line at the end.

**KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**